UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,198	01/04/2002	Dean S. Nelson	10014065-1	2049

7590	01/30/2006

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EXAMINER
POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/039,198	NELSON ET AL.
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 November 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,7,8,10-12,14 and 16-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,7,8,10-12,14 and 16-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 11/2/05, and has been entered and made of

record. Currently, **claims 1, 4, 7, 8, 10-12, 14, and 16-18** are pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   **Claims 1, 4, 7, 8, and 18** are rejected under 35 U.S.C. 102(b) as being anticipated by

Quinion (U.S. Patent Number 5,978,559).

Regarding *claim 1*, Quinion discloses a method for balancing printing request loads (see

abstract) comprising receiving printing requests at a primary destination from multiple sources

(column 6, line 6-column 7, line 15), generating a print queue, at the primary destination,

corresponding to the multiple printing requests (see Fig. 5, column 8, line 8-column 10, line 20),

determining that the primary destination should not process all of the multiple printing requests

of the print queue (column 10, lines 13-40),selecting a secondary destination to process at least

one of the multiple printing requests (column 10, lines 13-40), transmitting data corresponding to

the print queue from the primary destination to the secondary destination such that the secondary

destination is enabled to process at least one of the multiple printing requests of the print queue

(column 10, lines 13-58), and transmitting information corresponding to the secondary

destination to the sources corresponding to the printing requests that are to be processed by the

secondary destination such that those sources send data corresponding to those printing requests

to the secondary destination to facilitate printing (column 11, line 20-column 12, line 26).

Regarding *claim 4*, Quinion discloses the method discussed above in claim 1, and further

teaches that the selecting further comprises communicating between the primary destination and

the secondary destination to determine if the secondary destination is able to process at least one

of the multiple printing requests (column 8, lines 8-column 10, line 58).

Regarding *claim 7*, Quinion discloses the method discussed above in claim 4, and further

teaches of determining if the secondary destination is able to continue processing additional print

requests (column 8, lines 8-column 10, line 58).

Regarding *claim 8*, Quinion discloses the method discussed above in claim 1, and further

teaches of automatically sending the data corresponding to the printing requests that are to be

processed by the secondary destination to the secondary destination such that, after the user

initiates sending of a printing request to the primary destination, printing is accomplished either

at the primary destination or the secondary destination without further user input (column 9, line

38-column 11, line 40).

Regarding *claim 18*, Quinion discloses a computer readable medium for use in a

computer system for balancing printing request loads (see abstract and column 10, line 41-

column 11, line 58), the computer readable medium comprising logic configured to enable a

printing request from a source to be received by a first destination (column 6, line 6-column 7,

line 58, and column 8, line 8-column 10, line 20), logic configured to generate a print queue

corresponding to the print request (column 7, lines 27-58, and column 8, line 8-column 10, line

20), logic configured to determine that the primary destination should not process the printing

request of the print queue (column 10, lines 13-40), logic configured to enable a secondary

destination to be selected (column 10, lines 13-40), logic configured to enable the print queue to

be transmitted to the secondary destination, wherein the print queue includes information

corresponding to the printing request (column 10, lines 13-58), and logic configured to enable

information corresponding to the secondary destination to be transmitted to the source such that

the source automatically sends data corresponding to the printing request to the secondary

destination to facilitate printing (column 11, line 20-column 12, line 26).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   **Claims 10-12, 14, 16, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Quinion (U.S. Patent Number 5,978,559) in view of Lobiondo (U.S. Patent Number

5,287,194, cited in the Office action dated 9/2/05).

Regarding *claim 10*, Quinion discloses a system for load-balancing (see abstract)

comprising a primary print server (see Fig. 5, column 8, line 8-column 10, line 20) configured to

receive printing request data corresponding to a printing request responsive to a user input

(column 6, line 6-column 7, line 58, and column 8, line 8-column 10, line 20), and determine if

the primary print server is able to process the printing request data such that if the primary

printer server is not to process the printing request data, the print server communicatively

couples with a secondary *destination* (column 10, lines 13-40), transmits print queue data to the

secondary *destination* (column 10, lines 13-40), and transmits secondary print destination data to

the source of the printing request data indicating that the source is to transmit the information

corresponding to the print task automatically to the secondary *destination* such that the

secondary *destination* facilitates processing of the printing request based on the print queue data

(column 10, line 13-column 12, line 26).

However, while Quinion does teach that multiple servers can be used (see Fig. 5, and

column 6, lines 23-44), Quinion does not expressly disclose of the secondary destination being a

secondary print server.

Lobiondo discloses a system for load-balancing comprising a primary print server (one of

the workstations 30 that incorporate the scheduler 50, as read in column 3, lines 16-50, and seen

in Fig. 1, being the workstation 30 connected via network 20 to the right of server 60 and

connected to left of printer 10) configured to receive printing request data corresponding to a

printing request (steps 410-420 in Fig. 4, column 6, lines 50-67), determine if the primary print

server is able to process the printing request data (steps 410-420 in Fig. 4, column 6, lines 50-

67), communicatively couple with another print server (see Fig. 1, wherein workstation 30 is

coupled to server 60), transmit print queue data to another print server (step 465 in Fig. 4,

column 7, lines 5-9), and transmit secondary print destination data to the source of the primary

request data indicating that the source is to transmit the information corresponding to the print

task to another print server (column 6, lines 8-49).

Quinion & Lobiondo are combinable because they are from the same field of endeavor, being printing systems for load-balancing of print jobs. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the secondary print server teachings of Lobiondo, within the system of Quinion. The suggestion/motivation for doing so would have been that the system would meet the demands of the users of the systems, as recognized by Quinion in column 6, lines 23-44. Therefore, it would have been obvious to combine the teachings of Lobiondo with the system of Quinion to obtain the invention as specified in claim 10.

Regarding *claim 11*, Quinion and Lobiondo disclose the system discussed above in claim 10, and Quinion further teaches that the source of the printing request (column 6, line 6-column 7, line 58).

Regarding *claim 12*, Quinion and Lobiondo disclose the system discussed above in claim 10, and Lobiondo further teaches that the secondary print server communicatively coupled to the primary print server (see Fig. 1).

Quinion & Lobiondo are combinable because they are from the same field of endeavor, being printing systems for load-balancing of print jobs. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the secondary print server teachings of Lobiondo, within the system of Quinion. The suggestion/motivation for doing so would have been that the system would meet the demands of the users of the systems, as recognized by Quinion in column 6, lines 23-44. Therefore, it would have been obvious to combine the teachings of Lobiondo with the system of Quinion to obtain the invention as specified in claim 12.

Regarding *claim 14*, Quinion and Lobiondo disclose the system discussed above in claim 10, and Quinion further teaches that the primary print server is configured to produce the print queue data and the secondary print destination data (column 6, line 6-column 7, line 58).

Regarding *claim 16*, Quinion and Lobiondo disclose the system discussed above in claim 10, and Lobiondo further teaches that the primary print server includes means for receiving request data that corresponds to the printing request from a source (column 3, line 16-column 4, line 65), means for selecting a secondary print server to process the printing request (column 4, line 16-column 5, line 44, and column 6, line 50-column 7, line 9), means for transmitting the print queue data to the secondary print server (column 4, line 16-column 5, line 44, and column 6, line 50-column 7, line 9), the print queue data including information corresponding to the printing request (column 6, line 8-column 7, line 9), and means for transmitting the secondary print destination data to the source (column 5, line 34-column 6, line 49), the secondary print destination data including information corresponding to the secondary destination print server (column 5, line 34-column 6, line 49).

Quinion & Lobiondo are combinable because they are from the same field of endeavor, being printing systems for load-balancing of print jobs. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the primary and secondary print server teachings of Lobiondo, within the system of Quinion. The suggestion/motivation for doing so would have been that the system would meet the demands of the users of the systems, as recognized by Quinion in column 6, lines 23-44. Therefore, it would have been obvious to combine the further teachings of Lobiondo with the system of Quinion to obtain the invention as specified in claim 16.

Regarding *claim 17*, Quinion and Lobiondo disclose the system discussed above in claim 12, and Lobiondo further teaches that the secondary print server includes means for receiving print queue data, and means for receiving secondary print destination data (column 5, line 34-column 7, line 9).

Quinion & Lobiondo are combinable because they are from the same field of endeavor, being printing systems for load-balancing of print jobs. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the secondary print server teachings of Lobiondo, within the system of Quinion. The suggestion/motivation for doing so would have been that the system would meet the demands of the users of the systems, as recognized by Quinion in column 6, lines 23-44. Therefore, it would have been obvious to combine the teachings of Lobiondo with the system of Quinion to obtain the invention as specified in claim 17.

Citation of Pertinent Prior Art

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Austin *et al.* (U.S. Patent Number 5,689,625) discloses a print job distribution system; and

Harkins *et al.* (U.S. Patent Number 5,657,461) discloses a system that automatically transmits data to a different communication channel.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
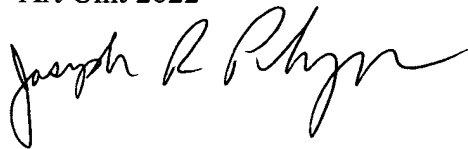
final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The

examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Primary Examiner
Art Unit 2622

jrp